

UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
OFFICE OF ADMINISTRATIVE LAW JUDGES
WASHINGTON, D.C. 20424

.
ARMY AND AIR FORCE EXCHANGE .
SERVICE, DALLAS, TEXAS .
Respondent .
and .
AMERICAN FEDERATION OF .
GOVERNMENT EMPLOYEES, .
AFL-CIO, LOCAL 1345 .
Charging Party .
.

Case No. 7-CA-90172

Bruce Conant, Esq.
For the General Counsel

Janis E. Baldwin, Esq.
For the Respondent

Before: JESSE ETELSON
Administrative Law Judge

DECISION

Statement of the Case

The unfair labor practice complaint alleges, in substance, that Respondent violated section 7116(a)(1), (5) and (8) of the Federal Service Labor-Management Relations Statute, (the Statute), by refusing to provide the Charging Party (Union), the agent of the exclusive representative of certain of Respondent's employees, with the names and home addresses of bargaining unit employees represented by the Union.

On or about April 5, 1989, Counsel for the General Counsel moved for summary judgment against Respondent. The Regional Director transferred the motion to the Chief Administrative Law Judge, pursuant to section 2423.22(b)(1) of the Regulations, and it was assigned to the undersigned for disposition pursuant to section 2423.19(k) and section 2423.22(b)(3) of the Regulations. Respondent served its opposition on April 26, 1989, with a cross-motion for

summary judgment in its favor, and Counsel for the General Counsel filed an opposition to the Respondent's cross-motion.

Based upon the entire record, and it appearing that there are no genuine issues of material fact and that the General Counsel is entitled to summary judgment as a matter of law, I make the following findings of fact, conclusions of law, and recommendation.

Findings of Fact

American Federation of Government Employees, AFL-CIO, Local 1345 (the Union) is the agent for the exclusive representative of certain employees at Respondent's facility at Lowry Air Force Base, Colorado. On or about October 13, 1988, the Union requested that the Respondent provide it with the names and home addresses of all bargaining unit employees working at Respondent's Lowry Air Force Base, Colorado, facility. On or about November 3, 1988, and at all times since, the Respondent has refused to furnish the Union with the requested information.

Discussion, Conclusions, and Recommendations

The names and home addresses of bargaining unit employees are normally maintained by Respondent in the regular course of business, are reasonably available, are necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining, and do not constitute guidance, advice, counsel, or training for management officials or supervisors relating to collective bargaining. Moreover, the release of the names and addresses is not prohibited by law. Departments of the Army and Air Force, Army and Air Force Exchange Service Headquarters, Dallas, Texas, and Army and Air Force Exchange Service, McClellan Air Force Base, California, 26 FLRA 691 (1987); United States Department of Defense, Departments of the Army and Air Force Exchange Service, Dallas, Texas, 32 FLRA 968 (1988). Both of the cited cases are controlling and establish that, under existing Authority precedent, Respondent violated section 7116(a)(1), (5), and (8) of the Statute. I therefore recommend that the Authority issue the following order:

ORDER

Pursuant to section 2423.29 of the Federal Labor Relations Authority's Rules and Regulations and section 7118 of the Statute, it is hereby ordered that the Army and Air Force Exchange Service, Dallas, Texas, shall:

1. Cease and desist from:

(a) Refusing to furnish, upon request of the American Federation of Government Employees, AFL-CIO, Local 1345, the agent of the exclusive representative of certain of its employees, the names and home addresses of all employees in the bargaining unit working at its Lowry Air Force Base, Colorado, facility.

(b) In any like or related manner interfering with, restraining or coercing its employees in the exercise of rights assured by the Federal Service Labor-Management Relations Statute.

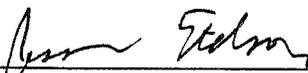
2. Take the following affirmative action in order to effectuate the purposes and policies of the Federal Service Labor-Management Relations Statute:

(a) Furnish the American Federation of Government Employees, AFL-CIO, Local 1345, the agent of the exclusive representative of certain of its employees, the names and home addresses of all employees in the bargaining unit working at its Lowry Air Force Base, Colorado, facility.

(b) Post at all facilities where bargaining unit employees represented by the American Federation of Government Employees, AFL-CIO, Local 1345, copies of the attached Notice on forms to be furnished by the Federal Labor Relations Authority. Upon receipt of such forms, they shall be signed by a senior official of the Army and Air Force Exchange Service, Dallas, Texas and shall be posted and maintained for 60 consecutive days thereafter, in conspicuous places, including all bulletin boards and other places where notices to employees are customarily posted. Reasonable steps shall be taken to insure that such Notices are not altered, defaced, or covered by any other material.

(c) Pursuant to section 2423.30 of the Authority's Rules and Regulations, notify the Regional Director, Region 7, Federal Labor Relations Authority, 535 - 16th Street, Suite 318, Denver, CO 80202 in writing, within 30 days from the date of this Order, as to what steps have been taken to comply herewith.

Issued, Washington, D.C., August 28, 1989



JESSE ETELSON
Administrative Law Judge

NOTICE TO ALL EMPLOYEES

AS ORDERED BY THE FEDERAL LABOR RELATIONS AUTHORITY

AND TO EFFECTUATE THE POLICIES OF THE

FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS STATUTE

WE HEREBY NOTIFY OUR EMPLOYEES THAT:

WE WILL NOT refuse to furnish, upon request of the American Federation of Government Employees, AFL-CIO, Local 1345, the names and home addresses of all employees in the bargaining unit working at its Lowry Air Force Base, Colorado, facility.

WE WILL NOT in any like or related manner, interfere with, restrain, or coerce employees in the exercise of their rights assured by the Federal Service Labor-Management Relations Statute.

WE WILL furnish the American Federation of Government Employees, AFL-CIO, Local 1345, the names and home addresses of all employees in the bargaining unit working at its Lowry Air Force Base, Colorado, facility.

(Activity)

Dated: _____ By: _____
(Signature) (Title)

This Notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Regional Director of the Federal Labor Relations Authority, Region 7, whose address is: 535 - 16th Street, Suite 310, Denver, CO 80202, and whose telephone number is: (303) 844-5224.